

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**STEVEN EARL ERWIN,**

**No. 07-cr-30136-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

The Government has brought to the Court's attention that the plea agreement mistakenly put Defendant Erwin on notice that he was subject to a five year mandatory minimum sentence rather than the correct ten year mandatory minimum sentence. Consequently, the Court did not advise Defendant Erwin correctly, according to **Federal Rule Criminal Procedure 11**, of the mandatory minimum sentence of ten years, to which he is subject, at the time of his guilty plea. Therefore, the Court will allow Defendant Erwin to withdraw his guilty plea if he so desires prior to his sentencing.

**IT IS SO ORDERED.**

Signed this 20th day of November, 2008.

/s/      David R. Herndon

**Chief Judge  
United States District Court**